

1 **DEPARTMENT OF CORRECTIONS**

2 **EXECUTIVE BUDGET BILL**

3 A bill to make appropriations for the department of corrections and  
4 certain state purposes related to corrections for the fiscal year ending  
5 September 30, 2006; to provide for the expenditure of the appropriations;  
6 to provide for reports; to provide for the creation of certain advisory  
7 committees and boards; to prescribe certain powers and duties of the  
8 department of corrections, certain other state officers and agencies, and  
9 certain advisory committees and boards; to provide for the collection of  
10 certain funds; and to provide for the disposition of fees and other income  
11 received by certain state agencies.

12 **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

13 **PART 1**

14 **LINE-ITEM APPROPRIATIONS**

15 Sec. 101. Subject to the conditions set forth in this bill, the  
16 amounts listed in this part are appropriated for the department of  
17 corrections for the fiscal year ending September 30, 2006, from the funds  
18 indicated in this part. The following is a summary of the appropriations  
19 in this part:

20 **DEPARTMENT OF CORRECTIONS**

21 **APPROPRIATION SUMMARY:**

22 Average population..... 50,949

23 Full-time equated unclassified positions..... 16.0

24 Full-time equated classified positions..... 17,529.2

25 GROSS APPROPRIATION..... \$ 1,883,642,600

26 Interdepartmental grant revenues:

27 Total interdepartmental grants and intradepartmental

1	transfers .....	1,043,800
2	ADJUSTED GROSS APPROPRIATION .....	\$ 1,882,598,800
3	Federal revenues:	
4	Total federal revenues .....	10,316,800
5	Special revenue funds:	
6	Total local revenues .....	411,700
7	Total private revenues .....	0
8	Total other state restricted revenues .....	66,590,000
9	State general fund/general purpose .....	\$ 1,805,280,300
10	<b>Sec. 102. EXECUTIVE</b>	
11	Full-time equated unclassified positions .....	16.0
12	Full-time equated classified positions .....	253.2
13	Unclassified positions--16.0 FTE positions .....	\$ 1,368,800
14	Executive direction--32.0 FTE positions .....	3,779,000
15	Policy and strategic planning--52.0 FTE positions .....	5,552,400
16	Prisoner reintegration programs--4.0 FTE positions ....	12,878,700
17	Human resources--165.2 FTE positions .....	14,343,600
18	Human resources optimization user charges .....	1,299,200
19	Training .....	3,602,000
20	Worker's compensation .....	18,899,000
21	Sheriffs' coordinating and training office .....	<u>2,000,000</u>
22	GROSS APPROPRIATION .....	\$ 63,722,700
23	Appropriated from:	
24	Interdepartmental grant revenues:	
25	IDG-MDSP, Michigan justice training fund .....	523,800
26	Federal revenues:	
27	Federal revenues and reimbursements .....	1,035,000

1	Special revenue funds:		
2	State restricted revenues and reimbursements .....		2,000,000
3	State general fund/general purpose .....	\$	60,163,900
4	<b>Sec. 103. ADMINISTRATION AND PROGRAMS</b>		
5	Full-time equated classified positions .....	290.9	
6	Administrative services--70.9 FTE positions .....	\$	6,462,600
7	Substance abuse testing and treatment .....		19,686,400
8	Inmate legal services .....		314,900
9	Prison industries operations--220.0 FTE positions .....		18,658,700
10	Rent .....		2,095,200
11	Equipment and special maintenance .....		2,054,000
12	Compensatory buyout and union leave bank .....		275,000
13	Prosecutorial and detainer expenses .....		<u>4,051,000</u>
14	GROSS APPROPRIATION .....	\$	53,597,800
15	Appropriated from:		
16	Federal revenues:		
17	Federal revenues and reimbursements .....		729,400
18	Special revenue funds:		
19	State restricted revenues and reimbursements .....		18,758,700
20	State general fund/general purpose .....	\$	34,109,700
21	<b>Sec. 104. FIELD OPERATIONS ADMINISTRATION</b>		
22	Average population .....	310	
23	Full-time equated classified positions .....	1,978.4	
24	Field operations--1,796.1 FTE positions .....	\$	140,401,300
25	Parole board operations--29.0 FTE positions .....		2,452,100
26	Loans to parolees .....		294,400
27	Parole/probation services .....		2,867,300

1	Corrections centers--48.0 FTE positions .....	5,491,000
2	Average population..... 310	
3	Electronic monitoring center--36.0 FTE positions .....	4,689,800
4	Technical rule violator program--69.3 FTE positions ...	<u>8,748,900</u>
5	GROSS APPROPRIATION .....	\$ 164,944,800
6	Appropriated from:	
7	Special revenue funds:	
8	Local - community tether program reimbursement .....	411,700
9	State restricted revenues and reimbursements .....	19,762,200
10	State general fund/general purpose .....	\$ 144,770,900
11	<b>Sec. 105. COMMUNITY CORRECTIONS</b>	
12	Full-time equated classified positions..... 16.0	
13	Community corrections administration--16.0 FTE	
14	positions .....	\$ 1,674,300
15	Residential services .....	16,328,400
16	Community corrections comprehensive plans and services	17,533,000
17	Jail capacity expansion program .....	1,000,000
18	Public education and training .....	50,000
19	Regional jail program .....	100
20	Alternatives to prison jail program .....	1,619,600
21	Alternatives to prison treatment program .....	400,000
22	Felony drunk driver jail reduction and community	
23	treatment program .....	2,097,400
24	County jail reimbursement program .....	<u>13,249,000</u>
25	GROSS APPROPRIATION .....	\$ 53,951,800
26	Appropriated from:	
27	Special revenue funds:	

1	State restricted revenues and reimbursements .....	19,689,500
2	State general fund/general purpose .....	\$ 34,262,300
3	<b>Sec. 106. CONSENT DECREES</b>	
4	Average population .....	200
5	Full-time equated classified positions .....	471.3
6	Hadix consent decree--138.0 FTE positions .....	\$ 10,085,500
7	DOJ consent decree--106.8 FTE positions .....	9,097,400
8	DOJ psychiatric plan - MDCH mental health services ....	72,048,800
9	DOJ psychiatric plan - MDOC staff and services--226.5	
10	FTE positions .....	<u>16,022,700</u>
11	GROSS APPROPRIATION .....	\$ 107,254,400
12	Appropriated from:	
13	State general fund/general purpose .....	\$ 107,254,400
14	<b>Sec. 107. HEALTH CARE</b>	
15	Full-time equated classified positions .....	930.6
16	Health care administration--21.0 FTE positions .....	\$ 2,303,100
17	Hospital and specialty care services .....	58,409,100
18	Hepatitis C testing and treatment .....	1,150,000
19	Vaccination program .....	991,200
20	Northern region clinical complexes--242.4 FTE	
21	positions .....	27,032,600
22	Southeastern region clinical complexes--362.8 FTE	
23	positions .....	49,599,100
24	Southwestern region clinical complexes--304.4 FTE	
25	positions .....	<u>33,776,600</u>
26	GROSS APPROPRIATION .....	\$ 173,261,700
27	Appropriated from:	

1	Special revenue funds:	
2	State restricted revenues and reimbursements .....	331,400
3	State general fund/general purpose .....	\$ 172,930,300
4	<b>Sec. 108. CORRECTIONAL FACILITIES ADMINISTRATION</b>	
5	Average population .....	1,382
6	Full-time equated classified positions .....	886.2
7	Correctional facilities administration--44.0 FTE	
8	positions .....	\$ 5,907,300
9	Housing inmates in federal institutions .....	552,600
10	Education services and federal education grants--10.0	
11	FTE positions .....	5,671,800
12	Federal school lunch program .....	712,800
13	Leased beds and alternatives to leased beds .....	100
14	Inmate housing fund--421.7 FTE positions .....	40,779,700
15	Average population .....	1,382
16	Academic/vocational programs--410.5 FTE positions .....	<u>34,181,100</u>
17	GROSS APPROPRIATION .....	\$ 87,805,400
18	Appropriated from:	
19	Interdepartmental grant revenues:	
20	IDG-MDCH, forensic center food service .....	520,000
21	Federal revenues:	
22	Federal revenues and reimbursements .....	7,566,900
23	Special revenue funds:	
24	State restricted revenues and reimbursements .....	200,900
25	State general fund/general purpose .....	\$ 79,517,600
26	<b>Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES</b>	
27	Average population .....	14,966

1	Full-time equated classified positions .....	4,169.2	
2	Alger maximum correctional facility - Munising--343.0		
3	FTE positions .....		\$ 30,696,200
4	Average population .....	849	
5	Baraga maximum correctional facility - Baraga--405.5		
6	FTE positions .....		35,460,500
7	Average population .....	1,084	
8	Chippewa correctional facility - Kincheloe--509.3		
9	FTE positions .....		45,506,300
10	Average population .....	2,122	
11	Kinross correctional facility - Kincheloe--581.3 FTE		
12	positions .....		54,343,200
13	Average population .....	2,719	
14	Marquette branch prison - Marquette--374.8 FTE		
15	positions .....		35,143,900
16	Average population .....	1,070	
17	Newberry correctional facility - Newberry--345.4 FTE		
18	positions .....		29,619,400
19	Average population .....	1,144	
20	Oaks correctional facility - Eastlake--349.5 FTE		
21	positions .....		35,215,200
22	Average population .....	1,156	
23	Ojibway correctional facility - Marenisco--281.2 FTE		
24	positions .....		24,875,200
25	Average population .....	1,282	
26	Pugsley correctional facility - Kingsley--220.4 FTE		
27	positions .....		18,630,200

1	Average population .....	954	
2	Saginaw correctional facility - Freeland--356.0 FTE		
3	positions .....		32,421,100
4	Average population .....	1,480	
5	Standish maximum correctional facility - Standish		
6	--402.8 FTE positions .....		<u>36,870,000</u>
7	Average population .....	1,106	
8	GROSS APPROPRIATION .....	\$	378,781,200
9	Appropriated from:		
10	Special revenue funds:		
11	State restricted revenues and reimbursements .....		1,664,800
12	State general fund/general purpose .....	\$	377,116,400
13	<b>Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES</b>		
14	Average population .....	15,737	
15	Full-time equated classified positions .....	4,189.9	
16	Cooper Street correctional facility - Jackson--267.8		
17	FTE positions .....	\$	24,998,300
18	Average population .....	1,360	
19	G. Robert Cotton correctional facility - Jackson--429.3		
20	FTE positions .....		38,399,600
21	Average population .....	1,854	
22	Charles E. Egeler reception center - Jackson--525.4		
23	FTE positions .....		51,095,900
24	Average population .....	1,591	
25	Gus Harrison correctional facility - Adrian--515.8		
26	FTE positions .....		46,400,700
27	Average population .....	2,262	



1	Macomb correctional facility - New Haven--321.5 FTE	
2	positions .....	28,097,800
3	Average population..... 1,228	
4	Mound correctional facility - Detroit--284.8 FTE	
5	positions .....	25,719,800
6	Average population..... 1,051	
7	Parnall correctional facility - Jackson--264.4 FTE	
8	positions .....	24,149,800
9	Average population..... 1,348	
10	Ryan correctional facility - Detroit--309.8 FTE	
11	positions .....	27,964,700
12	Average population..... 1,059	
13	Robert Scott correctional facility - Plymouth--332.5	
14	FTE positions .....	28,738,800
15	Average population..... 884	
16	Southern Michigan correctional facility - Jackson--418.8	
17	FTE positions .....	36,033,800
18	Average population..... 1,481	
19	Thumb correctional facility - Lapeer--313.8 FTE	
20	positions .....	31,357,900
21	Average population..... 1,219	
22	Special alternative incarceration program - Cassidy	
23	Lake--126.0 FTE positions .....	10,942,200
24	Average population..... 400	
25	Jackson area support and services - Jackson--80.0	
26	FTE positions .....	<u>13,649,300</u>
27	GROSS APPROPRIATION .....	\$ 387,548,600

1	Appropriated from:	
2	Federal revenues:	
3	Federal revenues and reimbursements .....	985,500
4	Special revenue funds:	
5	State restricted revenues and reimbursements .....	1,769,300
6	State general fund/general purpose .....	\$ 384,793,800
7	<b>Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES</b>	
8	Average population .....	18,354
9	Full-time equated classified positions .....	4,343.5
10	Bellamy Creek correctional facility - Ionia--472.1	
11	FTE positions .....	\$ 45,208,800
12	Average population .....	1,830
13	Earnest C. Brooks correctional facility - Muskegon--478.9	
14	FTE positions .....	43,781,500
15	Average population .....	2,200
16	Carson City correctional facility - Carson City--502.6	
17	FTE positions .....	46,224,300
18	Average population .....	2,200
19	Richard A. Handlon correctional facility - Ionia--256.2	
20	FTE positions .....	23,717,300
21	Average population .....	1,320
22	Ionia maximum correctional facility - Ionia--323.8	
23	FTE positions .....	28,273,700
24	Average population .....	667
25	Lakeland correctional facility - Coldwater--689.3	
26	FTE positions .....	62,734,600
27	Average population .....	2,992

1	Muskegon correctional facility - Muskegon--254.4		
2	FTE positions .....		24,619,600
3	Average population .....	1,310	
4	Pine River correctional facility - St. Louis--231.6		
5	FTE positions .....		20,617,800
6	Average population .....	1,120	
7	Riverside correctional facility - Ionia--519.8		
8	FTE positions .....		48,138,900
9	Average population .....	2,331	
10	St. Louis correctional facility - St. Louis--614.8		
11	FTE positions .....		<u>53,618,800</u>
12	Average population .....	2,384	
13	GROSS APPROPRIATION .....		\$ 396,935,300
14	Appropriated from:		
15	Special revenue funds:		
16	State restricted revenues and reimbursements .....		1,878,500
17	State general fund/general purpose .....		\$ 395,056,800
18	<b>Sec. 112. INFORMATION TECHNOLOGY</b>		
19	Information technology services and projects .....		<u>\$ 15,838,900</u>
20	GROSS APPROPRIATION .....		\$ 15,838,900
21	Appropriated from:		
22	Special revenue funds:		
23	State restricted revenues and reimbursements .....		534,700
24	State general fund/general purpose .....		\$ 15,304,200
25	PART 2		
26	PROVISIONS CONCERNING APPROPRIATIONS		
27	<b><u>GENERAL SECTIONS</u></b>		

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2005-2006 is \$1,871,870,300.00 and state spending from state resources to be paid to local units of government for fiscal year 2005-2006 is \$93,233,300.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF CORRECTIONS

Field operations - assumption of county probation

staff .....	\$	43,561,000
Public service work projects .....		10,643,800
Community corrections comprehensive plans and services		17,533,000
Jail capacity expansion program .....		1,000,000
Community corrections residential services .....		16,328,400
Community corrections public education and training ...		50,000
Felony drunk driver jail reduction and community		
treatment program .....		2,097,400
Alternatives to prison jail program .....		1,619,600
Alternatives to prison treatment program .....		400,000
Regional jail program .....		<u>100</u>
TOTAL .....	\$	93,233,300

Sec. 202. The appropriations authorized under this bill are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this bill:

(a) "Department" or "MDOC" means the Michigan department of corrections.

(b) "DOJ" means the United States department of justice.

(c) "FTE" means full-time equated.

(d) "IDG" means interdepartmental grant.

(e) "IDT" means intradepartmental transfer.

(f) "MDCH" means the Michigan department of community health.

(g) "MDSP" means the Michigan department of state police.

(h) "OCC" means office of community corrections.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director may grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 206. Unless otherwise specified, the department shall use the

Internet to fulfill the reporting requirements of this bill. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

Sec. 207. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Sec. 208. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 209. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the departments and agencies and the department of information technology.

Sec. 210. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the

management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 211. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2006 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the senate and house of representatives standing committees on appropriations.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the senate and house of representatives standing committees on appropriations,

1 the fiscal agencies, and the state budget director. The report shall  
2 include the following information:

3 (a) The name of each person receiving reimbursement for travel outside  
4 this state or whose travel costs were paid by this state.

5 (b) The destination of each travel occurrence.

6 (c) The dates of each travel occurrence.

7 (d) A brief statement of the reason for each travel occurrence.

8 (e) The transportation and related costs of each travel occurrence,  
9 including the proportion funded with state general fund/general purpose  
10 revenues, the proportion funded with state restricted revenues, the  
11 proportion funded with federal revenues, and the proportion funded with  
12 other revenues.

13 (f) A total of all out-of-state travel funded for the immediately  
14 preceding fiscal year.

15 Sec. 212. (1) In addition to the funds appropriated in part 1, there  
16 is appropriated an amount not to exceed \$20,000,000.00 for federal  
17 contingency funds. These funds are not available for expenditure until  
18 they have been transferred to another line item in this bill under section  
19 393(2) of the department of management and budget act, 1984 PA 431, MCL  
20 18.1393.

21 (2) In addition to the funds appropriated in part 1, there is  
22 appropriated an amount not to exceed \$5,000,000.00 for state restricted  
23 contingency funds. These funds are not available for expenditure until  
24 they have been transferred to another line item in this bill under section  
25 393(2) of the department of management and budget act, 1984 PA 431, MCL  
26 18.1393.

27 (3) In addition to the funds appropriated in part 1, there is



1 appropriated an amount not to exceed \$500,000.00 for local contingency  
2 funds. These funds are not available for expenditure until they have been  
3 transferred to another line item in this bill under section 393(2) of the  
4 department of management and budget act, 1984 PA 431, MCL 18.1393.

5 (4) In addition to the funds appropriated in part 1, there is  
6 appropriated an amount not to exceed \$500,000.00 for private contingency  
7 funds. These funds are not available for expenditure until they have been  
8 transferred to another line item in this bill under section 393(2) of the  
9 department of management and budget act, 1984 PA 431, MCL 18.1393.

10 Sec. 213. (1) Pursuant to the provisions of civil service rules and  
11 regulations and applicable collective bargaining agreements, individuals  
12 seeking employment with the department shall submit to a controlled  
13 substance test. The test shall be administered by the department.

14 (2) Individuals seeking employment with the department who refuse to  
15 take a controlled substance test or who test positive for the illicit use  
16 of a controlled substance on such a test shall be denied employment.

17 Sec. 214. The department may charge fees and collect revenues in  
18 excess of appropriations in part 1 not to exceed the cost of offender  
19 services and programming, employee meals, parolee loans, academic/  
20 vocational services, custody escorts, compassionate visits, union steward  
21 activities, public work programs, and emergency services provided to units  
22 of government. The revenues and fees collected shall be appropriated for  
23 all expenses associated with these services and activities.

#### 24 **SUBSTANCE ABUSE TESTING AND TREATMENT**

25 Sec. 301. (1) The department shall screen and assess each prisoner for  
26 alcohol and other drug involvement to determine the need for further  
27 treatment. The assessment process shall be designed to identify the

1 severity of alcohol and other drug addiction and determine the treatment  
2 plan, if appropriate.

3 (2) Subject to the availability of funding resources, the department  
4 shall provide substance abuse treatment to prisoners with priority given to  
5 those prisoners who are most in need of treatment and who can best benefit  
6 from program intervention based on the screening and assessment provided  
7 under subsection (1).

#### 8 **EXECUTIVE**

9 Sec. 401. The department shall submit 3-year and 5-year prison  
10 population projection updates by February 15, 2006 to the senate and house  
11 appropriations subcommittees on corrections, the senate and house fiscal  
12 agencies, and the state budget director.

13 Sec. 402. The department shall prepare by April 1, 2006 individual  
14 reports for the technical rule violator program, the community residential  
15 program, the electronic tether program, and the special alternative to  
16 incarceration program. The reports shall be submitted to the house and  
17 senate appropriations subcommittees on corrections, the house and senate  
18 fiscal agencies, and the state budget director. The reports shall include  
19 the following:

- 20 (a) Monthly new participants.
- 21 (b) Monthly participant unsuccessful terminations, including cause.
- 22 (c) Number of successful terminations.
- 23 (d) End month population by facility/program.
- 24 (e) Average length of placement.
- 25 (f) Return to prison statistics.
- 26 (g) Description of program location(s), capacity, and staffing.
- 27 (h) Sentencing guideline scores and actual sentence statistics for

1 participants, if applicable.

2 (i) Comparison with prior year statistics.

3 (j) Analysis of the impact on prison admissions and jail utilization  
4 and the cost effectiveness of the program.

5 Sec. 405. (1) The department shall review and revise as necessary  
6 policy proposals that provide alternatives to prison for offenders being  
7 sentenced to prison as a result of technical probation violations and  
8 technical parole violations. To the extent the department has insufficient  
9 policies or resources to affect the continued increase in prison  
10 commitments among these offender populations, the department shall explore  
11 other policy options to allow for program alternatives, including  
12 department or OCC-funded programs, local level programs, and programs  
13 available through private agencies that may be used as prison alternatives  
14 for these offenders.

15 (2) To the extent policies or programs described in subsection (1) are  
16 used, developed, or contracted for, the department may request that funds  
17 appropriated in part 1 be transferred under section 393(2) of the  
18 management and budget act, 1984 PA 431, MCL 18.1393, for their operation.

19 (3) The department shall continue to utilize parole violator processing  
20 guidelines that require parole agents to utilize all available appropriate  
21 community-based, nonincarcerative postrelease sanctions and services when  
22 appropriate. The department shall periodically evaluate such guidelines  
23 for modification, in response to emerging information from the pilot  
24 projects for substance abuse treatment provided under this bill and  
25 applicable provisions of prior budget acts for the department.

## 26 **ADMINISTRATION AND PROGRAMS**

27 Sec. 501. From the funds appropriated in part 1 for prosecutorial and

1   detainer expenses, the department shall reimburse counties for housing and  
2   custody of parole violators and offenders being returned by the department  
3   from community placement who are available for return to institutional  
4   status and for prisoners who volunteer for placement in a county jail.

5   **FIELD OPERATIONS ADMINISTRATION**

6       Sec. 601. From the funds appropriated in part 1, the department shall  
7   conduct a statewide caseload audit of field agents. The audit shall  
8   address public protection issues and assess the ability of the field agents  
9   to complete their professional duties. The results of the audit shall be  
10  submitted to the senate and house appropriations subcommittees on  
11  corrections and the senate and house fiscal agencies, and the state budget  
12  office by September 30, 2006.

13       Sec. 602. (1) Of the amount appropriated in part 1 for field  
14  operations, a sufficient amount shall be allocated for the community  
15  service work program and shall be used for salaries and wages and fringe  
16  benefit costs of community service coordinators employed by the department  
17  to supervise offenders participating in work crew assignments. Funds shall  
18  also be used to cover motor transport division rates on state vehicles used  
19  to transport offenders to community service work project sites.

20       (2) The community service work program shall provide offenders with  
21  community service work of tangible benefit to a community while fulfilling  
22  court-ordered community service work sanctions and other postconviction  
23  obligations.

24       (3) As used in this section, "community service work" means work  
25  performed by an offender in an unpaid position with a nonprofit or tax-  
26  supported or government agency for a specified number of hours of work or  
27  service within a given time period.

1       Sec. 603. (1) All prisoners, probationers, and parolees involved with  
2       the electronic tether program shall reimburse the department for the  
3       equipment costs and telephone charges associated with their participation  
4       in the program. The department may require community service work  
5       reimbursement as a means of payment for those able-bodied individuals  
6       unable to pay for the cost of the equipment.

7       (2) Program participant contributions and local community tether  
8       program reimbursement for the electronic tether program appropriated in  
9       part 1 are related to program expenditures and may be used to offset  
10      expenditures for this purpose.

11      (3) Included in the appropriation in part 1 is adequate funding to  
12      implement the community tether program to be administered by the  
13      department. The community tether program is intended to provide sentencing  
14      judges and county sheriffs in coordination with local community corrections  
15      advisory boards access to the state's electronic tether program to reduce  
16      prison admissions and improve local jail utilization. The department shall  
17      determine the appropriate distribution of the tether units throughout the  
18      state based upon locally developed comprehensive corrections plans pursuant  
19      to the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

20      (4) For a fee determined by the department, the department shall  
21      provide counties with the tether equipment, replacement parts,  
22      administrative oversight of the equipment's operation, notification of  
23      violators, and periodic reports regarding county program participants.  
24      Counties are responsible for tether equipment installation and service.  
25      For an additional fee as determined by the department, the department shall  
26      provide staff to install and service the equipment. Counties are  
27      responsible for the coordination and apprehension of program violators.

1 (5) Any county with tether charges outstanding over 60 days shall be  
2 considered in violation of the community tether program agreement and lose  
3 access to the program.

4 Sec. 604. Community-placement prisoners and parolees shall reimburse  
5 the department for the total costs of the program. As an alternative  
6 method of payment, the department may develop a community service work  
7 schedule for those individuals unable to meet reimbursement requirements  
8 established by the department.

9 Sec. 606. (1) The department shall conduct or contract for a study of  
10 parole and probation agent workloads. The study shall analyze agent  
11 workloads, caseloads, and responsibilities and provide recommendations for  
12 changes to workload computations and offender-agent workload or caseload  
13 ratios.

14 (2) By April 1, 2006, the department shall report to the senate and  
15 house appropriations subcommittees on corrections, the senate and house  
16 fiscal agencies, and the state budget director on the progress of the  
17 study, including information on study timelines, objectives, and  
18 methodology.

19 **COMMUNITY CORRECTIONS**

20 Sec. 701. The office of community corrections shall provide and  
21 coordinate the delivery and implementation of services in communities to  
22 facilitate successful offender reintegration into the community. Programs  
23 and services to be offered shall include, but are not limited to, technical  
24 assistance for comprehensive corrections plan development, new program  
25 start-up funding, program funding for those programs delivering services  
26 for eligible offenders in geographic areas identified by the office of  
27 community corrections as having a shortage of available services, technical

1 assistance, referral services for education, employment services, and  
2 substance abuse and family counseling. As used in this bill:

3 (a) "Alternative to incarceration in a state facility or jail" means a  
4 program that involves offenders who receive a sentencing disposition which  
5 appears to be in place of incarceration in a state correctional facility or  
6 jail based on historical local sentencing patterns or which amounts to a  
7 reduction in the length of sentence in a jail.

8 (b) "Goal" means the intended or projected result of a comprehensive  
9 corrections plan or community corrections program to reduce prison  
10 commitment rates, to reduce the length of stay in a jail, or to improve the  
11 utilization of a jail.

12 (c) "Jail" means a facility operated by a local unit of government for  
13 the physical detention and correction of persons charged with or convicted  
14 of criminal offenses.

15 (d) "Offender eligibility criteria" means particular criminal  
16 violations, state felony sentencing guidelines descriptors, and offender  
17 characteristics developed by advisory boards and approved by local units of  
18 government that identify the offenders suitable for community corrections  
19 programs funded through the office of community corrections.

20 (e) "Offender target population" means felons or misdemeanants who  
21 would likely be sentenced to imprisonment in a state correctional facility  
22 or jail, who would not increase the risk to the public safety, who have not  
23 demonstrated a pattern of violent behavior, and who do not have criminal  
24 records that indicate a pattern of violent offenses.

25 (f) "Offender who would likely be sentenced to imprisonment" means  
26 either of the following:

27 (i) A felon or misdemeanor who receives a sentencing disposition that

1 appears to be in place of incarceration in a state correctional facility or  
2 jail, according to historical local sentencing patterns.

3 (ii) A currently incarcerated felon or misdemeanor who is granted  
4 early release from incarceration to a community corrections program or who  
5 is granted early release from incarceration as a result of a community  
6 corrections program.

7 Sec. 702. (1) The funds included in part 1 for community corrections  
8 comprehensive plans and services are to encourage the development through  
9 technical assistance grants, implementation, and operation of community  
10 corrections programs that serve as an alternative to incarceration in a  
11 state facility or jail. The comprehensive corrections plans shall include  
12 an explanation of how the public safety will be maintained, the goals for  
13 the local jurisdiction, offender target populations intended to be  
14 affected, offender eligibility criteria for purposes outlined in the plan,  
15 and how the plans will meet the following objectives, consistent with  
16 section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

17 (a) Reduce admissions to prison of nonviolent offenders who would have  
18 otherwise received an active sentence, including probation violators.

19 (b) Improve the appropriate utilization of jail facilities, the first  
20 priority of which is to open jail beds intended to house otherwise prison-  
21 bound felons, and the second priority being to appropriately utilize jail  
22 beds so that jail crowding does not occur.

23 (c) Open jail beds through the increase of pretrial release options.

24 (d) Reduce the readmission to prison of parole violators.

25 (e) Reduce the admission or readmission to prison of offenders,  
26 including probation violators and parole violators, for substance abuse  
27 violations.



1       (2) The award of community corrections comprehensive plans and  
2       residential services funds shall be based on criteria that include, but are  
3       not limited to, the prison commitment rate by category of offenders, trends  
4       in prison commitment rates and jail utilization, historical trends in  
5       community corrections program capacity and program utilization, and the  
6       projected impact and outcome of annual policies and procedures of programs  
7       on prison commitment rates and jail utilization.

8       (3) Funds awarded for residential services in part 1 shall provide for  
9       a per diem reimbursement of not more than \$43.00.

10       Sec. 703. The comprehensive corrections plans shall also include,  
11       where appropriate, descriptive information on the full range of sanctions  
12       and services that are available and utilized within the local jurisdiction  
13       and an explanation of how jail beds, residential services, the special  
14       alternative incarceration program (boot camp), probation detention centers,  
15       the electronic monitoring program for probationers, and treatment and  
16       rehabilitative services will be utilized to support the objectives and  
17       priorities of the comprehensive corrections plan and the purposes and  
18       priorities of section 8(4) of the community corrections act, 1988 PA 511,  
19       MCL 791.408. The plans shall also include, where appropriate, provisions  
20       that detail how the local communities plan to respond to sentencing  
21       guidelines found in chapter XVII of the code of criminal procedure, 1927 PA  
22       175, MCL 777.1 to 777.69, and the use of the county jail reimbursement  
23       program pursuant to section 706 of this bill. The state community  
24       corrections board shall encourage local community corrections boards to  
25       include in their comprehensive corrections plans strategies to collaborate  
26       with local alcohol and drug treatment agencies of the department of  
27       community health for the provision of alcohol and drug screening,

1 assessment, case management planning, and delivery of treatment to alcohol-  
2 and drug-involved offenders, including, but not limited to, probation and  
3 parole violators who are at risk of revocation.

4 Sec. 704. (1) As part of the March biannual report specified in  
5 section 12(2) of the community corrections act, 1988 PA 511, MCL 791.412,  
6 which requires an analysis of the impact of that act on prison admissions  
7 and jail utilization, the department shall submit to the senate and house  
8 appropriations subcommittees on corrections, the senate and house fiscal  
9 agencies, and the state budget director the following information for each  
10 county and counties consolidated for comprehensive corrections plans:

11 (a) Approved technical assistance grants and comprehensive corrections  
12 plans including each program and level of funding, the utilization level of  
13 each program, and profile information of enrolled offenders.

14 (b) If federal funds are made available, the number of participants  
15 funded, the number served, the number successfully completing the program,  
16 and a summary of the program activity.

17 (c) Status of the community corrections information system and the  
18 jail population information system.

19 (d) Data on residential services, including participant data,  
20 participant sentencing guideline scores, program expenditures, average  
21 length of stay, and bed utilization data.

22 (e) Offender disposition data by sentencing guideline range, by  
23 disposition type, number and percent statewide and by county, current year,  
24 and comparisons to prior 3 years.

25 (2) The report required under subsection (1) shall include the total  
26 funding allocated, program expenditures, required program data, and year-  
27 to-date totals.

1       Sec. 705. (1) The department shall identify and coordinate information  
2 regarding the availability of and the demand for community corrections  
3 programs, jail-based community corrections programs, and basic state-  
4 required jail data.

5       (2) The department shall be responsible for the collection, analysis,  
6 and reporting of state-required jail data.

7       (3) As a prerequisite to participation in the programs and services  
8 offered through the department, counties shall provide basic jail data to  
9 the department.

10      Sec. 706. (1) The department shall administer a county jail  
11 reimbursement program from the funds appropriated in part 1 for the purpose  
12 of reimbursing counties for housing in jails felons who otherwise would  
13 have been sentenced to prison.

14      (2) The county jail reimbursement program shall reimburse counties for  
15 housing and custody of convicted felons if the conviction was for a crime  
16 committed on or after January 1, 1999 and 1 of the following applies:

17      (a) The felon's sentencing guidelines recommended range upper limit is  
18 more than 18 months, the felon's sentencing guidelines recommended range  
19 lower limit is 12 months or less, the felon's prior record variable score  
20 is 35 or more points, and the felon's sentence is not for commission of a  
21 crime in crime class G or crime class H under chapter XVII of the code of  
22 criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.

23      (b) The felon's minimum sentencing guidelines range minimum is more  
24 than 12 months.

25      (3) State reimbursement under this section for prisoner housing and  
26 custody expenses per diverted offender shall be \$43.50 per diem for up to a  
27 1-year total.

1       (4) From the funds appropriated in part 1 for the county jail  
2 reimbursement program, the department shall contract for an ongoing study  
3 to determine the impact of the new legislative sentencing guidelines. The  
4 study shall analyze sentencing patterns of jurisdictions as well as future  
5 patterns in order to determine and quantify the population impact on  
6 prisons and jails of the new guidelines as well as to identify and define  
7 felon or crime characteristics or sentencing guidelines scores that  
8 indicate a felon is a prison diversion. The department shall contract for  
9 a local and statewide study for this purpose and provide periodic reports  
10 regarding the status and findings of the study to the house and senate  
11 appropriations subcommittees on corrections, the house and senate fiscal  
12 agencies, and the state budget director.

13       (5) The department, the Michigan association of counties, and the  
14 Michigan sheriffs' association shall review the periodic findings of the  
15 study required in subsection (4) and, if appropriate, recommend  
16 modification of the criteria for reimbursement contained in subsection (2).  
17 Any recommended modification shall be forwarded to the house and senate  
18 appropriations subcommittees on corrections and the state budget office.

19       (6) The department shall reimburse counties for offenders in jail based  
20 upon the reimbursement eligibility criteria in place on the date the  
21 offender was originally sentenced for the reimbursable offense.

22       (7) County jail reimbursement program expenditures shall not exceed the  
23 amount appropriated in part 1 for this purpose. Payments to counties under  
24 the county jail reimbursement program shall be made in the order in which  
25 properly documented requests for reimbursements are received. A request  
26 shall be considered to be properly documented if it meets MDOC requirements  
27 for documentation. The department shall by October 15, 2005 distribute the

documentation requirements to all counties.

Sec. 708. (1) Funds included in part 1 for the felony drunk driver jail reduction and community treatment program are appropriated for and may be expended for any of the following purposes:

(a) To increase availability of treatment options to reduce drunk driving and drunk driving-related deaths by addressing the alcohol addiction of felony drunk drivers who otherwise likely would be sentenced to jail or a combination of jail and other sanctions.

(b) To divert from jail sentences or to reduce the length of jail sentences for felony drunk drivers who otherwise would have been sentenced to jail and whose recommended minimum sentence ranges under sentencing guidelines have upper limits of 18 months or less, through funding programs that may be used in lieu of incarceration and that increase the likelihood of rehabilitation.

(c) To provide a policy and funding framework to make additional jail space available for housing convicted felons whose recommended minimum sentence ranges under sentencing guidelines have lower limits of 12 months or less and who likely otherwise would be sentenced to prison, with the aim of enabling counties to meet or exceed amounts received through the county jail reimbursement program during fiscal year 2002-2003 and reducing the numbers of felons sentenced to prison.

(2) Expenditure of funds included in part 1 for the felony drunk driver jail reduction and community treatment program shall be by grant awards consistent with standards developed by a committee of the state community corrections advisory board. The chairperson of the committee shall be the board member representing county sheriffs. Remaining members of the committee shall be appointed by the chairperson of the board.

1 (3) In developing annual standards, the committee shall consult with  
2 interested agencies and associations. Standards developed by the committee  
3 shall include application criteria, performance objectives and measures,  
4 funding allocations, and allowable uses of the fund, consistent with the  
5 purposes specified in this section.

6 (4) Allowable uses of the fund shall include reimbursing counties for  
7 transportation, treatment costs, and housing felony drunk drivers during a  
8 period of assessment for treatment and case planning. Reimbursements for  
9 housing during the assessment process shall be at the rate of \$43.50 per  
10 day per offender, up to a maximum of 5 days per offender.

11 (5) The standards developed by the committee shall assign each county a  
12 maximum funding allocation based on the amount the county received under  
13 the county jail reimbursement program in fiscal year 2001-2002 for housing  
14 felony drunk drivers whose sentencing guidelines recommended minimum  
15 sentence ranges had upper limits of 18 months or less.

16 (6) Awards of funding under this section shall be provided consistent  
17 with the local comprehensive corrections plans developed under the  
18 community corrections act, 1988 PA 511, MCL 791.401 to 791.414. Funds  
19 awarded under this section may be used in conjunction with funds awarded  
20 under grant programs established under that act. Due to the need for  
21 felony drunk drivers to be transitioned from county jails to community  
22 treatment services, it is the intent of the legislature that local units of  
23 government utilize funds received under this section to support county  
24 sheriff departments.

25 (7) As used in this section, "felony drunk driver" means a felon  
26 convicted of operating a motor vehicle under the influence of intoxicating  
27 liquor or a controlled substance, or both, third or subsequent offense,

under section 625(9)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or its predecessor statute, punishable as a felony.

### **CONSENT DECREES**

Sec. 801. Funding appropriated in part 1 for consent decree line items is appropriated into separate control accounts created for each line item. Funding in each control account shall be distributed as necessary into separate accounts created for the purpose of separately identifying costs and expenditures associated with each consent decree.

### **HEALTH CARE**

Sec. 901. The department shall not expend funds appropriated under part 1 for any surgery, procedure, or treatment to provide or maintain a prisoner's sex change unless it is determined medically necessary by the chief medical officer of the department.

Sec. 907. The bureau of health care services shall develop information on Hepatitis C prevention and the risks associated with exposure to Hepatitis C, and the health care providers shall disseminate this information verbally and in writing to each prisoner at the health screening and full health appraisal conducted at admissions, at the annual health care screening 1 week before or after a prisoner's birthday, and prior to release to the community by parole, transfer to community residential placement, or discharge on the maximum.

Sec. 908. From the funds appropriated in part 1, the department shall offer an alanine aminotransferase (ALT) test to each prisoner who has received positive parole action. An explanation of results of the test shall be provided confidentially to the prisoner prior to release on parole, and if appropriate based on the test results, the prisoner shall also be provided a recommendation to seek follow-up medical attention in

1 the community. The test shall be voluntary; if the prisoner refuses to be  
2 tested, that decision shall not affect parole release, conditions of  
3 parole, or parole supervision.

4 Sec. 909. The department shall ensure that all medications for a  
5 prisoner be transported with that prisoner when the prisoner is transferred  
6 from 1 correctional facility to another.

#### 7 **INSTITUTIONAL OPERATIONS**

8 Sec. 1001. As a condition of expenditure of the funds appropriated in  
9 part 1, the department shall ensure that smoking areas are designated for  
10 use by prisoners and staff at each facility. At a minimum, all outdoor  
11 areas within each facility's perimeter shall be designated for smoking,  
12 except that smoking may be forbidden within 20 feet of any building  
13 designated as nonsmoking or smoke-free.

14 Sec. 1002. From the funds appropriated in part 1, the department shall  
15 allocate sufficient funds to develop a pilot children's visitation program.  
16 The pilot program shall teach parenting skills and arrange for day  
17 visitation at these facilities for parents and their children, except for  
18 the families of prisoners convicted of a crime involving criminal sexual  
19 conduct in which the victim was less than 18 years of age or involving  
20 child abuse.

21 Sec. 1003. The department shall prohibit prisoners access to or use of  
22 the Internet or any similar system.

23 Sec. 1004. Any department employee who, in the course of his or her  
24 job, is determined by a physician to have had a potential exposure to the  
25 Hepatitis B virus, shall receive a Hepatitis B vaccination upon request.

26 Sec. 1006. (1) The inmate housing fund shall be used for the custody,  
27 treatment, clinical, and administrative costs associated with the housing



1 of prisoners other than those specifically budgeted for elsewhere in this  
2 bill. Funding in the inmate housing fund is appropriated into a separate  
3 control account. Funding in the control account shall be distributed as  
4 necessary into separate accounts created to separately identify costs for  
5 specific purposes.

6 (2) Quarterly reports on all expenditures from the inmate housing fund  
7 shall be submitted by the department to the state budget director, the  
8 senate and house appropriations subcommittees on corrections, and the  
9 senate and house fiscal agencies.

10 Sec. 1007. The department shall establish a uniform rate to be paid by  
11 agencies that benefit from public work services provided by prisoners and  
12 boot camp participants.